

JUVENILE COMPETENCY HANDBOOK

The judge has placed you in the restoration process for mental competency. It is very important that you meet with your restoration specialist and see the doctor when you are told to do so.

Call your attorney with any questions. If your attorney calls, call the attorney back.

Chapter 1

THE BASICS

WORDS TO KNOW

- Law – A rule that must be followed and obeyed by everyone. Laws help protect people from getting hurt.
- Crime – Doing something that is against the law.
- Guilty/Delinquent – The court decides that the person did the crime.
- Innocent – The person has not been found responsible for the crime.
- Juvenile – Someone who is under the age of 18.
- Delinquent Juvenile – A juvenile who has been found responsible for a crime.
- Incurable Offense/Status Offense – A crime that can only be done by a juvenile. Adults can't get in trouble for these types of crimes. Examples include running away from home, being out past curfew, drinking alcohol, smoking cigarettes, not going to school and not obeying your parents.
- Consequence – What the Court decides a juvenile should do for having committed a crime. Examples include community service, writing an essay, writing an apology letter, spending time in detention, or being placed on probation.

SCENARIO

In Marshmallow County, it is against the law to steal candy from a store. Billy is 14 years old and he stole candy from the ABC store. Billy had to show up in Court and tell a Judge what he did. The Court decided that Billy committed a crime because he stole candy. Billy did something that was against the law. Billy was found guilty/delinquent. The Court decided Billy needed to do community service and write a letter of apology to the ABC store for stealing their candy.

What is the law in Marshmallow County?

Why does this law exist?

What crime did Billy commit?

Is Billy a juvenile?

Why did the Judge decide Billy was guilty/delinquent?

What was Billy's consequence after stealing the candy?

Chapter 2

YOUR RIGHTS AT ARREST

WORDS TO KNOW

- Constitution – A set of rights that everyone living in the United States has.
- Rights – Something that no one can take away from you. You have many rights under the Constitution that protect your freedom.
- Miranda Rights – These rights are given to you after you get in trouble with the police. These rights include the following:
 - 1) You have the right to remain silent. This means you don't have to talk to the police or anyone else if you get in trouble.
 - 2) Anything you do say can be used against you in court. This means that if you say something to the police or anyone else except your attorney, they can tell the Judge what you said.
 - 3) You have the right to have a lawyer with you when you are with the police. This means you can have a lawyer come and help you decide what to say or not to say to the police. You can also have your mom, dad or other adult with you. Your parents or the other adult can help you decide if you want a lawyer and they can ask the police questions if they want.
 - 4) If you don't have enough money to pay for a lawyer, you can have one anyway for free. This means you can have a lawyer if you ask for one.

SCENARIO

Billy stole candy from the ABC store. It is against the law to steal candy and the police came to arrest Billy and ask him questions. Billy was in trouble but he still had rights.

What are Billy's rights called after he gets in trouble with the police?

Does Billy have to say anything to the police or anyone else?

If Billy does say something to the police can the police go tell the Judge what he said?

Who can Billy ask for if he wants help to decide if he should talk to the police?

Even if Billy can't pay for a lawyer can he still have one come help him?

Chapter 3

WHO WILL YOU SEE IN THE COURTROOM?

THE PEOPLE IN THE COURTROOM

- Judge – This is the boss in the courtroom. The judge makes sure your rights are protected, decides if you are guilty/delinquent, and decides your consequences if you are guilty/delinquent.
- Juvenile – That’s you! You are charged with doing a crime. The judge decides if you actually did the crime or not. You are innocent unless all the facts show you are guilty. A person under the age of 18.
- Defense Lawyer/Attorney – This person is YOUR lawyer and works for YOU. Their job is to help protect your rights. You can tell your lawyer anything you want, and they cannot tell anyone unless you ask them to.
- Prosecutor/County Attorney – This person works for the County and State. Their job is to show the judge that you did the crime.
- Guardian ad Litem (GAL) – Sometimes you will see this person in court but not always. If you have problems with where you live or who you live with, this person will help you. You can tell this person anything you want but they cannot keep it a secret.
- Probation Officer (PO) – This person helps you stay out of trouble. You have to make sure to always let your probation officer know where you are and how you are doing. This person helps the judge decide what kind of consequences you should get if you are guilty/delinquent.
- Victim – This person is who the crime happened to.
- Witness – This person tells the judge what they saw you do or what you told them about what happened when you got in trouble. The prosecutor/County Attorney and your defense lawyer can ask these people questions in front of the judge.
- Clerk – This person sits next to the judge and takes notes during the hearing so everyone can remember what happened. This person also helps schedule the next time you will meet.
- Bailiff – This person takes care of people who misbehave in court and maintains order in the courtroom. You might not always see this person in court.
- Court Reporter – This person takes notes on a small machine of what everyone said in court. You might not always see this person in court.

- Court – The building where the Judge is. Sometimes people call the Judge the court.
- Hearing- The meeting you have in the courtroom with the judge and all the lawyers present. Sometimes other people will be there, too.
- Charges – The crime the prosecutor/ county attorney said you did.

Chapter 4

DEFENSE ATTORNEY

A defense attorney is a lawyer that the court gives you to help you with your charges. The lawyer, sometimes called a Public Defender or Contract Counsel, is your lawyer. He/she works for you. His/her job is to help you in court, anything you tell him/her is confidential, a secret. He/she cannot tell your mom, dad or judge unless **you** ask him/her to tell.

Your attorney will meet with you prior to court to explain the charges, your rights, and what is going to happen at each court hearing. It is very important that you are honest with your attorney. Tell him/her the truth. No matter what you tell your attorney he/she will still defend you and he/she will not tell anyone what you told him/her.

Tell your attorney everything you can remember about what happened. Do not leave anything out. Your attorney may think something is important even if you do not.

Return your attorney's phone calls. The attorney called you because they have something important they want to talk to you about concerning your charges. You can also call your attorney if you have a question or want to talk about your charges.

Let the attorney know when you do not understand what he/she has said. The attorney will explain it. The attorney is going to be asking you to make decisions about your charges. It is very important that you understand what the attorney is saying so you can make the right choice for you.

If you do not understand what is happening in court let your attorney know. The attorney can ask the judge to stop so he/she can explain what is happening. You can whisper to your attorney or write down a question when you are in court. Your attorney will answer all your questions

You can disagree with your attorney. Tell him/her if you do not agree with what they are telling you. Tell him/her calmly what you do not like about what the attorney said. Listen to the attorney's answer. The attorney works for you; you are the boss. Remember the attorney knows about the law and is trying to help you with your charges.

Remember to cooperate and work with you attorney by:

- **Telling the truth**
- **Telling the whole story**
- **Returning phone calls**
- **Letting your attorney know when you do not understand**
- **Asking questions**

SCENARIO

Billy had to go to court for stealing candy from ABC store. When he got to court Mrs. Smith met Billy and introduced herself as Billy's attorney. Mrs. Smith and Billy went into a room to talk about what happened at ABC store. Mrs. Smith asked Billy to tell her everything he could remember. After Mrs. Smith and Billy talked they went into the courtroom with Billy's mother to see the judge.

What is Mrs. Smith's job?

Should Billy tell Mrs. Smith everything that happened at ABC store?

Billy does not want tell Mrs. Smith that he took the candy, should he lie?

When Billy was in the courtroom he did not understand what the judge was saying, what should he do?

Can Mrs. Smith tell Billy's mother what Billy told her during the meeting? Why?

Chapter 5

FELONY VS. MISDEMEANOR

WORDS TO KNOW

- Felony – The most serious type of crime. Some examples include:
 - Killing someone
 - Hitting or threatening someone with a weapon
 - Hitting a teacher, police officer, or doctor
 - Stealing someone's car
 - Going into someone's house without their permission
 - Taking drugs
- Misdemeanor – Not as serious a crime as a felony, but still a crime. Some examples include:
 - Stealing from a store
 - Punching a hole in the wall
 - Hitting or kicking someone
 - Threatening to hit or kick someone
 - Drawing on a wall or desk
- Incurrigible Offense/Status offense - A crime that can only be committed by a juvenile. Adults can't get in trouble for these types of crimes. Examples include:
 - running away from home
 - being out past curfew
 - drinking alcohol
 - smoking cigarettes
 - not going to school
 - not obeying your parents

CONSEQUENCES

Felony – going to Arizona Department of Juvenile Corrections (prison) or detention (jail), intensive or standard probation, community service.

Misdemeanor – going to Arizona Department of Juvenile Corrections (prison) or detention (jail), intensive or standard probation, community service.

Incurrigible Offense/Status Offense - standard or summary probation, community service.

SCENARIO

Billy hit a teacher at school. What type of crime did Billy commit? What might his consequence be for hitting his teacher?

Billy got mad and punched a hole in his wall at home. What type of crime did Billy commit? What might his consequence be for punching a hole in the wall?

Billy ran away from home. What type of crime did Billy commit? What might his consequence be for running away from home?

Chapter 6

Advisory Hearing

Your first hearing at court is called an Advisory Hearing.

Prior to the hearing you met your attorney. Your attorney told you why you had to come to the courthouse and what crime the state said you did. Your attorney told you what constitutional rights you have and explained what was going to happen in the courtroom.

After talking with your attorney, you, your attorney and parent(s) went into the courtroom. The judge then told you what crime the state said you did. Your attorney told the judge to “enter a denial.” That means that you were not admitting to the crime. Your attorney also asked for a competency hearing. Your attorney asked for a competency hearing because he/she did not think you knew enough about your rights and what will happen in the courtroom so you could help your attorney with your case. The judge then told you to see two doctors to find out if you knew about your rights and what happens in the courtroom. The judge also gave you rules to follow until the next time you see the Judge.

As of right now, the judge assumes, believes, you are innocent of the crime. The judge will continue to believe you are innocent unless the prosecutor proves you committed the crime.

Because you are innocent you are not on probation. You may have a probation officer. The probation officer’s job is to tell the judge if you are following the rules you were given by the judge and behaving at home and school.

What Happened at the Advisory Hearing

- **Met your attorney**
- **Told what crime you were charged with**
- **Denied the charge**
- **Believed to be innocent**
- **Judge gave you rules to follow**

SCENARIO

After meeting with Mrs. Smith, Billy, his mother and Mrs. Smith went in to see the judge. The judge told Billy that he was charged with shoplifting from ABC store. The judge asked Billy, "How do you plea." Mrs. Smith told the judge, "Billy denies the charge." The judge then gave Billy a date to come back to court for his trial and told him to listen to his mother, stay in school and be home by 9:00 p.m. every night.

What was the name of the hearing Billy just had?

What happens at this hearing?

Can Billy tell the judge he denies the charge even if he took the candy? Why?

What are the rules the judge gave Billy?

Does he have to follow them?

Chapter 7

Transfer Hearing

A transfer hearing is a court hearing where a judge decides if a juvenile's hearings on the charges should be in adult court or juvenile court.

The prosecutor files papers with the judge asking that the juvenile's hearings held in adult court and receive adult punishment. The prosecutor only asks for a transfer hearing when the juvenile is charged with a serious felony crime.

Before the transfer hearing the juvenile will talk to a psychologist. The psychologist is a doctor that studies the mind and behavior of people. **Do not discuss the crime** with the doctor. You may answer other questions that are not about the crime. The doctor will write a report to the Judge about whether the juvenile is likely to attend counseling or another program and stop committing crimes before his/her eighteenth birthday.

A juvenile probation officer will write a report to the Judge about whether the juvenile should be sent to the adult court for his/her hearings and punishment.

Your attorney will help you with the transfer hearing. The attorney will find people, family and friends, who can tell the judge that you should stay in juvenile court.

The transfer hearing is a two part hearing. The first part of the hearing is called probable cause. The judge must decide that the prosecutor has enough evidence to believe you might have committed a crime. The prosecutor uses witnesses, people who know something about the crime, to show the court that you may have done the crime. The prosecutor is not trying to prove you did the crime, just that there is enough evidence to have a hearing in adult court. If the judge thinks there is not enough evidence, the charges are dismissed and you will not have any more court. If the judge thinks there is enough evidence he will find there is "probable cause" to believe you did the crime. The judge will then begin the second part of the hearing.

The second part of the hearing is where the judge will decide if your hearing will be in juvenile or adult court. The prosecutor will tell the judge your case should be moved to adult court. Your attorney will tell the judge that you deserve to have your case stay in juvenile court. After the judge reads the psychologist's and probation officer's report and listens to the prosecutor, defense attorney, witnesses and you; the judge will decide if you stay in juvenile court or go to adult court.

If you stay in juvenile court the worst punishment you can get is being sent to the Juvenile Department of Corrections until you are eighteen. If you go to adult court, the worst punishment you can get is being sent to prison for a long time.

Transfer Hearing

- **Commit serious felony**
- **Prosecutor asks that your hearings be held in adult court**
- **Psychologist talks to you and writes a report**
- **Probation officer writes a report**
- **Defense attorney helps you in the hearing**
- **Prosecutor must show the judge there is probable cause to believe you did the crime**
- **Judge decides if your hearings and punishment will be in juvenile or adult court**

SCENARIO

Billy committed a new crime. He broke into someone's home and stole their video game. The police caught him in the home and took him to juvenile detention. The prosecutor charged him with burglary and asked that Billy go to adult court. The judge scheduled a transfer hearing. Billy was told he would have to see Dr. Mind and Probation Officer Barney before the transfer hearing.

What is a transfer hearing?

Is burglary a serious crime?

What does Dr. Mind do?

Why does Billy have a probation officer? Is he on probation?

Who should Billy talk to about the burglary?

What does Mrs. Smith do to help Billy at the transfer hearing?

What will the judge decide?

Chapter 8

YOUR RIGHTS IN COURT

You have five main rights:

- 1) You are innocent (not delinquent) unless and until the prosecutor proves to the court that you did the charges.
- 2) You have the right to a trial, which is also called an adjudication hearing. During the adjudication hearing, the prosecutor tries to show that you did what they charged you with and the defense lawyer (your lawyer) tries to show that you are not delinquent and protects your rights. The judge decides whether or not you are delinquent of the crime based on the evidence.
- 3) You have the right to remain silent and not say anything in the courtroom. Your defense lawyer will speak for you. Your defense lawyer will talk with you about whether you want to talk in court. If you do talk (which means that you will answer questions about what you did or did not do), the prosecutor can ask you questions.
- 4) You have the right to cross examine and confront witnesses which means ask the witnesses questions. During the adjudication hearing, your lawyer will ask the questions for you.
- 5) You have the right to present evidence to the court and to have witnesses speak in your defense.

Chapter 9

Type of Pleas: Admit or Deny

A plea is an answer or statement you give the judge about whether you committed the crime you are charged with. You can admit, say you did the crime, or deny, say you did not do the crime. This is also called saying you are guilty or not guilty, delinquent and not delinquent.

The judge will ask your attorney at the Advisory Hearing, your first hearing, “how does the juvenile plea?” Your attorney will answer for you. The attorney will tell the judge that you either admit the charge or deny the charge. The attorney will know which one to say because you and the attorney will have talked about it before you came into the courtroom.

If you admit, it means that you did the crime. You will not have an adjudication hearing. The next court hearing will be a disposition hearing, sentencing, where the judge will give you your consequence. If you admit to the crime, you give up your five rights: right to an adjudication hearing, right to cross examine and confront witness, right to have witnesses come to help with your case, right to remain silent and right to be presumed innocent. You give up your right to remain silent because you will have to tell the judge what you did to be delinquent of the crime.

If you deny it means that you did not do the crime or you want the prosecutor to prove you did the crime. Your next hearing will be an adjudication hearing, where the prosecutor will try to prove to the judge that you did the crime.

Your attorney may tell you that the prosecutor has given you a plea bargain. A plea bargain is where the prosecutor tells you and your attorney that you can admit to a less serious crime or fewer crimes if you admit rather than having an adjudication hearing. If you take the plea bargain, the prosecutor does not have to do an adjudication hearing, and you get to admit to a less serious charge or fewer charges.

A plea bargain **may** mean that you will receive a lighter consequence.

You and your attorney will discuss the plea bargain in private. Your attorney will explain the plea bargain and discuss your right to an adjudication hearing. Make sure you understand what your attorney is telling you. You will have to decide if you want the plea bargain, this is a decision only you can make. If you accept the plea bargain you will be giving up your right to an adjudication hearing. The prosecutor will not have to prove you did the crime since you will be telling the judge you did the crime.

Pleas

- **Admit** – telling the judge you did the crime
- **Deny**- telling the judge you did not do the crime or you want the prosecutor to prove you did the crime at an adjudication hearing
- **Plea agreement** – admitting to a lesser crime or fewer crimes in exchange for not having an adjudication hearing/

SCENARIO

On the day of Billy's advisory hearing the judge asks Billy how he pleads. Billy is unsure of what to do.

If Billy admits, will he have an adjudication hearing?

If Billy admits, what rights will he be giving up?

If he denies stealing the candy, what will happen next?

Will he get in trouble if he denies shoplifting even though Billy knows he took the candy without paying for it?

What is a plea bargain? Will it help Billy?

Chapter 10

Adjudication Hearings

A trial in juvenile court is called an adjudication hearing. An adjudication hearing is where the prosecutor shows the court what evidence he/she has against the juvenile. The juvenile, through a lawyer, gets to question the evidence and have witnesses speak for his/her side. After the prosecutor presents his/her evidence and the juvenile presents evidence, the judge will decide if the juvenile is delinquent (guilty) or dismiss the charges (not guilty).

An adjudication hearing has steps:

1. Opening statements – opening statements are brief summaries of what each attorney will show the court during the adjudication hearing. First the prosecutor gives an opening statement where he/she will tell the judge what evidence the prosecutor will present that will show the juvenile is delinquent. Next the defense attorney tells the court what evidence they will present that will show the juvenile is not delinquent. At an adjudication hearing opening statements are rarely given, the prosecutor and defense counsel “waive” opening statement, chose not to give an opening statement.

2. Presenting of evidence – First, the prosecutor will begin by calling the first witness. The witness will raise their right hand and swear to tell the truth, this is called taking an oath. The witness will then be asked questions. The questions will be about evidence. There are two forms of evidence, physical (objects) and words. Physical evidence is an actual object such as: a gun, fingerprints or photographs. Words are testimony from the witnesses about what they saw or heard. Once the prosecutor is done asking the witness questions, defense counsel will ask the witness questions. This is called cross examining and confronting the witness. The prosecutor will call all of their witnesses. When the prosecutor is done, defense counsel may then call witnesses to help the juvenile. Defense counsel will question the defense witness first and then the prosecutor will cross examine the witness.

The juvenile is a witness. You are the juvenile. The juvenile knows what, if anything, he/she did. A juvenile does not have to testify. The juvenile is the only witness who has the right to remain silent, a constitutional right. You and defense counsel will discuss before the adjudication hearing whether you should testify. The final decision is yours. If you testify, the prosecutor will get to cross examine you.

Since the prosecutor must show the judge that the juvenile did the crime, only the prosecutor is required to have witnesses.

Sometimes after defense counsel is done calling witnesses the prosecutor will call a few more witnesses called rebuttal witnesses. Rebuttal witnesses are people who can testify about something the juvenile or defense witness said. Defense counsel will cross-examine any rebuttal witness.

3. Closing arguments – closing arguments are summaries given by the prosecutor and defense counsel about the evidence the judge has just seen or heard and the law. The prosecutor will ask the judge to find you delinquent, and defense counsel will ask that the charges be dismissed.

4. Decision: A decision is a ruling given by the judge about whether the juvenile is delinquent (guilty) or the charges are dismissed (not guilty). After the judge listens to all of the evidence, the judge will decide whether the prosecutor has shown that the juvenile did the crime. If the judge really believes the juvenile did the crime the judge will find the juvenile delinquent. If the judge is unsure about whether the defendant did the crime, the judge will dismiss the charge (not guilty).

5. Disposition/sentencing: If the defendant is found delinquent, then a consequence will be given at the disposition hearing.

Adjudication Hearings:

- **Opening statements**
- **Presentation of evidence**
 - **Physical**
 - **Words**
- **Cross examination**
- **Closing statements**
- **Decision**

SCENARIO

Today is Billy's adjudication hearing. Billy is nervous. Billy, his mother and Mrs. Smith go into court. Sitting in the courtroom is the prosecutor, the store owner and the police officer who arrested Billy. The store owner is holding a video tape of Billy taking the candy. The judge comes into the courtroom and sits behind the bench ready for the adjudication hearing. The judge asks for opening statements and the adjudication begins.

Who will give their opening statements first?

Why?

Why are the store owner and the officer in the courtroom?

Why does the store owner have a video tape?

Does Billy have to have witnesses?

What is Mrs. Smith's job during the adjudication hearing?

Does Billy have to tell the judge what happened at ABC store?

What are closing arguments?

What decision can the judge make?

What does being found delinquent mean?

What does dismissing the charges mean?

Chapter 11

Disposition Hearings

If the judge finds after trial that you committed the crime or you admit to committing the crime, the judge will order a consequence. This is called a disposition hearing.

As a consequence for committing the crime, the judge can order:

1. You be sent to the Department of Juvenile Corrections (Adobe Mountain, Black Canyon or Catalina) until you are eighteen years old.
2. You could be placed on probation or kept on probation. If you are placed on probation, you will have a probation officer who will make sure you are following the judge's orders and the law. There are three types of probation, summary, standard and intensive. You are on Summary probation until you complete a task ordered by the Judge. Standard probation requires you to live with a parent or legal guardian, obey all laws and orders of the Judge. Intensive probation requires you to live with a parent or legal guardian, obey all laws and orders of the Judge and remain at home at all times unless attending school, work or a probation approved activity.
3. As a condition of probation or as your only consequence you could be ordered to be detained in the detention center for up to one year.
4. You could be ordered to participate in an out-of-home treatment center or residential facility.
5. In addition to placing you on probation or sending you to the Department of Juvenile Corrections, you could be ordered to:
 - Pay a fine
 - Perform community restitution – working for a charity for free
 - Pay restitution – paying money to the victim of the crime for any damage you may have done.
 - Attend school
 - Obtain employment
 - Follow a curfew
 - Attend counseling
 - Participate in drug testing
 - Restrict who you can hang out with
6. For certain crimes like graffiti, drugs or alcohol you could lose your privilege to drive until you are eighteen.

7. For sex crimes you could be placed on sex offender probation and given special conditions to follow which are more restrictive

Disposition Hearings

- **Commitment to the Department of Juvenile Corrections**
- **Probation**
 - Summary
 - Standard
 - Intensive
- **Detention**
- **Residential Treatment**
- **Additional Court orders**
 - Fine
 - Community restitution
 - Victim restitution
- **Loss of privilege to drive**
- **Sex crimes special conditions**

SCENARIO

Billy was found delinquent at an adjudication hearing for shoplifting candy from ABC store. Billy is at court for his disposition hearing. The judge reads a report that the probation officer wrote about Billy. The store owner is at court to tell the judge that he was not able to sell the candy Billy took because he opened the wrapper. The judge then listens to the prosecutor, Billy's mother, Mrs. Smith and Billy about what consequences Billy should get for shoplifting. The judge places Billy on probation and orders him to pay restitution to store owner and complete 16 hours of community restitution.

What was Billy consequence for stealing the candy?

If the judge had not put Billy on probation what other consequences could the judge have given Billy?

What is restitution?

Why does Billy have to pay restitution?

What is community restitution?

Does Billy have to do the consequences?

Chapter 12

How to Act in Court

The courtroom is a place where everyone must act appropriately.

Always be polite.

Sit quietly and patiently. Listen to what is being said.

Whisper to your attorney when you have a question. Let your attorney speak for you unless you are testifying. Even if the judge asks you a question, wait for your attorney to say it is okay to answer the question before speaking.

Do not yell, swear or call someone names. Treat everyone with respect.

Dress appropriately. How you dress will tell the judge if you are taking court seriously. Wear nice clothes to court and remove hats before entering the courtroom.

Do not bring food, drinks or gum into the courtroom.

SCENARIO

Billy comes to court for his adjudication hearing. He is wearing a shirt with a beer can on it, dirty shorts and slippers. He has not showered or combed his hair. He did not have time to eat breakfast because he got up late. He buys a soda and a bag of chips from a vending machine outside of the courtroom. Billy's case is called, and he brings his soda and chips into the courtroom. When the judge comes in, everyone stands up but Billy.

During the adjudication hearing Billy thinks one of the witnesses is lying so he yells, "Hey you are lying, I did not do that." When the prosecutor makes his closing statement, Billy puts his head down on the table and pretends he is sleeping.

Did Billy act appropriately in court?

What did he do wrong?